

HOLLAND & KNIGHT LLP
737 Seventh Ave, 31st Floor
New York, New York 10019
(212) 751-3001
Stuart J. Glick
Anthony F. Pirraglia

*Counsel for Wilmington Trust, National Association,
As Trustee For The Registered Holders Of LSTAR
Commercial Mortgage Trust 2017-5, Commercial
Mortgage Pass-Through Certificates, Series 2017-5*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

X

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In re: : **Chapter 11**

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WHITEHORSE 401, LLC, : **Case No. 24-42466 (ESS)**

:

Debtor.

:

:

X

**DECLARATION OF STUART J. GLICK, ESQ. IN SUPPORT
OF MOTION FOR ENTRY OF AN ORDER DISMISSING
DEBTOR'S CHAPTER 11 CASE OR, ALTERNATIVELY,
GRANTING RELIEF FROM THE AUTOMATIC STAY**

STUART J. GLICK declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner of the firm of Holland & Knight, LLP, counsel for Wilmington Trust, National Association, As Trustee For The Registered Holders Of LSTAR Commercial Mortgage Trust 2017-5, Commercial Mortgage Pass-Through Certificates, Series 2017-5 (“LSTAR”), a secured creditor in the above captioned bankruptcy case. Additionally, I represent LSTAR, plaintiff in Docket No. F-8494-23 pending in the Superior Court of New Jersey, Chancery Division, Camden County (the “State Court Action”) against Whitehorse 401, LLC (“Whitehorse” or the “Debtor”). As such, I have personal knowledge of the facts of this case, the proceedings herein, and the State Court Action from my personal involvement and review of our files relating

to these matters, which we maintain in the ordinary course of business and which is our usual policy to maintain. I submit this affirmation in support of LSTAR's *Motion for Entry of an Order Dismissing Debtor's Chapter 11 Case or, Alternatively, Granting Relief from the Automatic Stay* (the "Motion to Dismiss"),¹ filed contemporaneously herewith.

2. I am in all respects competent to make this Declaration, which I submit for all permissible purposes under the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure and the Federal Rules of Evidence in support of the Motion to Dismiss.

3. I attach as **Exhibit A** a true and correct copy of the Notice of Default dated March 15, 2023, that LSTAR sent to Whitehorse after Whitehorse defaulted under the Loan Documents.

4. I attach as **Exhibit B** a true and correct copy of the Notice of Continuing and Additional Default, Acceleration, and Reservation of Rights dated May 19, 2023, that LSTAR sent to Whitehorse based upon Whitehorse's continuing defaults.

5. I attach as **Exhibit C** a true and correct copy of the Notice of Continuing and Additional Default and Reservation of Rights dated June 20, 2023 that LSTAR sent to Whitehorse based upon Whitehorse's continuing defaults.

6. I attach as **Exhibit D** a true and correct copy of the *Foreclosure Complaint* filed by LSTAR in the Superior Court of New Jersey, Chancery Division (the "State Court Action") against Whitehorse on July 14, 2023, [State Court Action Trans. ID No. CHC2023186860] (the "Verified Complaint").

7. I attach as **Exhibit E** a true and correct copy of the Request to Enter Default Against Defendant Whitehorse LLC Pursuant to Rule: 4:43-1 filed in the State Court Action on September 6, 2023 [State Court Action at Trans. ID No. CHC2023245467].

¹ Capitalized terms used herein but not otherwise defined shall have the meanings ascribed in the Motion to Dismiss.

8. I attached as **Exhibit F** a true and correct copy of the Answer Contesting Complaint in Foreclosure, which Whitehorse untimely filed in the State Court [State Court Action at Trans. ID No. CHC2023288086].

9. I attach as **Exhibit G** a true and correct copy of the First Motion for Entry of Final Judgment that was filed in the State Court on December 15, 2023 [State Court Action at Trans. ID No. CHC2023355947].

10. I attached as **Exhibit H** a true and correct copy of Whitehorse's objection to the First Motion for Entry of Final Judgment [State Court Action at Trans. ID No. CHC2023359128].

11. I attach as **Exhibit I** a true and correct copy of a letter from LSTAR to the State Court withdrawing the First Motion for Entry of Final Judgment without prejudice [State Court Action at Trans. ID No. CHC202446834].

12. I attach as **Exhibit J** a true and correct copy of the Second Motion for Entry of Final Judgement, filed on March 7, 2024 [State Court Action at Trans. ID No. CHC202474809].

13. I attach as **Exhibit K** Whitehorse's objection to the Second Motion for Entry of Final Judgement [State Court Action at Trans. ID No. CHC202488250].

14. I attach as **Exhibit L** a true and correct copy of LSTAR's Response to Defendant Whitehorse 401, LLC's Objection to Certification of Amount Due [State Court Action at Trans. ID No. CHC202493192].

15. I attach as **Exhibit M** numerous letters to the State Court from both Whitehorse and LSTAR addressing the relief requested in the Second Motion for Entry of Final Judgment and Whitehorse's objection to the same, as well as Whitehorse's inappropriate request for discovery [State Court Action at Trans. ID Nos. CHC202497838; CHC2024105243; CHC2024107026; CHC2024107324; CHC2024111473; CHC2024111834; CHC2024141298; CHC2024141718].

16. I attach as **Exhibit N** the State Court order overruling defendant Whitehorse's objection and transferring the matter back to the Office of Foreclosure [State Court Action Transaction ID No. CHC2024148954].

17. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 9, 2024

/s/ Stuart J. Glick
STUART J. GLICK, ESQ.